

## **Assembly Bill No. 2945**

### **CHAPTER 689**

An act to amend Sections 5093.32 and 5093.36 of, and to add Section 5093.345 to, the Public Resources Code, and to amend and supplement the Budget Act of 2008 by amending Items 3790-491 and 3790-495 of, and by adding Item 3790-101-6029 to, Section 2.00 of that act, relating to parks and wilderness areas, and making an appropriation therefor.

[Approved by Governor September 30, 2008. Filed with  
Secretary of State September 30, 2008.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 2945, Laird. State parks and wilderness areas.

Existing law, the California Wilderness Act, establishes a California wilderness preservation system composed of state-owned areas designated by the Legislature as wilderness areas and units of the state park system classified as state wildernesses by the State Park and Recreation Commission. The act designates specified state wilderness areas and requires a state agency with jurisdiction over an area designated as a wilderness area to be responsible for preserving the wilderness character of that area. The act prohibits the presence of a commercial enterprise or permanent road within a wilderness area, except as necessary in specified emergencies. The act generally prohibits, among other things, the presence of temporary roads, the use of motorized vehicles, motorized equipment, and motorized transport within a wilderness area and authorizes the state agency with jurisdiction over the area to take measures necessary for the control of fire, insects, and diseases. The act also defines various terms for purposes of the act.

This bill would define "minimum management requirements" and "minimum tool" for purposes of the act. The bill would repeal the above exception to the presence of commercial enterprises or permanent roads within a wilderness area, and would, instead, authorize the presence of temporary roads, the use of motorized vehicles, motorized equipment, and motorized transport within a wilderness area when necessary in specified emergencies or when it is the minimum tool necessary to meet the minimum management requirements. The bill would authorize a state agency having jurisdiction over a wilderness area to authorize measures to address environmental damage or degradation affecting wilderness character and resources if those measures are consistent with the minimum management requirements and only the minimum tools are used. The bill would require guidelines for the determination of the minimum management requirements and the minimum tool to be adopted by regulation.

The bill would add Limekiln State Wilderness to the designated wilderness areas and would provide that the California Coastal Trail may be located, designed, constructed, or operated within the Limekiln State Wilderness.

The bill also would make technical, nonsubstantive changes in those provisions.

Assembly Bill 1781, as proposed by Conference Report No. 1 on July 17, 2008, would make appropriations for the support of state government for the 2008–09 fiscal year and be known as the “Budget Act of 2008.”

This bill would amend and supplement that Budget Act of 2008 by revising items of appropriation for the Department of Parks and Recreation related to the Railroad Technology Museum, thereby making an appropriation.

The bill would make legislative findings and declarations regarding the encumbrance and use of funds appropriated to the Department of Parks and Recreation, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund. The bill would appropriate amounts from the fund to the department to make payments submitted by grant recipients prior to June 30, 2008, for projects funded pursuant to Item 3790-103-0005 of the Budget Act of 2000.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 5093.32 of the Public Resources Code is amended to read:

5093.32. As used in this chapter:

(a) “Minimum management requirements” means the minimum wilderness management actions that are necessary to administer a wilderness area for the purpose of this chapter.

(b) “Minimum tool” means the least intrusive tool, equipment, device, regulation, action, or practice that will achieve the minimum management requirements.

(c) “Roadless area” means a reasonably compact area of undeveloped land that possesses the general characteristics of a wilderness, as described in subdivision (c) of Section 5093.33, and within which there is no improved road that is suitable for public travel by motorized vehicles intended primarily for highway use.

(d) “Secretary” means the Secretary of the Resources Agency.

(e) “System” means the California wilderness preservation system.

(f) “Wilderness areas” means component areas of the system as described in Section 5093.33, 5093.34, or 5093.345.

SEC. 2. Section 5093.345 is added to the Public Resources Code, immediately preceding Section 5093.35, to read:

5093.345. (a) Limekiln State Wilderness, comprised of approximately 413 acres of Limekiln State Park as generally depicted on a map entitled “Limekiln State Park Wilderness” dated August 29, 2008, and filed with

the Secretary of State and transmitted to the secretary, is hereby designated as a component of the system. The department may take measures to control fire, diseases, and insects as provided in subdivision (c) of Section 5093.36.

(b) Notwithstanding any other provision of this chapter, the California Coastal Trail, as specified in Section 31408, may be located, designed, constructed, or operated within the Limekiln State Wilderness.

SEC. 3. Section 5093.36 of the Public Resources Code is amended to read:

5093.36. (a) Except as otherwise provided in this chapter, a state agency with jurisdiction over an area designated as a wilderness area shall be responsible for preserving the wilderness character of the wilderness area and shall administer the area for the purposes for which it has been established and to preserve its wilderness character. Except as otherwise provided in this chapter, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

(b) Except as specifically provided in this chapter, and subject to private rights existing as of January 1, 1975, there shall be no commercial enterprise and no permanent road within any wilderness area. There shall be no temporary road, no use of motor vehicles, motorized equipment, or motorboats, no landing or hovering of aircraft, no flying of aircraft lower than 2,000 feet above the ground, no other form of mechanical transport, and no structure or installation within any wilderness area, except under either of the following circumstances:

(1) It is necessary in an emergency involving the health and safety of persons within the wilderness area.

(2) It is the minimum tool necessary to meet the minimum management requirements.

(c) The following special provisions are hereby made:

(1) Within a wilderness area, measures may be taken as may be necessary for the control of fire, insects, and diseases, subject to conditions that the state agency with jurisdiction over the wilderness area may deem desirable.

(2) Nothing in this chapter shall prevent any activity by any public agency within a wilderness area, including prospecting, for the purpose of gathering information about mineral or other resources that the state agency with jurisdiction over the wilderness area has determined will be carried on in a manner compatible with the preservation of the wilderness environment.

(3) A state agency with jurisdiction over a wilderness area may authorize the collection of hydrometeorological data and the conduct of weather modification activities, including both atmospheric and surface activities and environmental research, which are within, over, or may affect wilderness areas and for those purposes may permit access, installation, and use of equipment which is specifically justified and unobtrusively located. Maximum practical application of miniaturization, telemetry, and camouflage shall be employed in conducting weather modification activities. In granting permission for the conduct of data collection and weather modification activities, the appropriate state agency may prescribe operating and

monitoring conditions that it deems necessary to minimize or avoid long-term and intensive local impact on the wilderness character of the wilderness areas affected.

(4) Within a wilderness area, the grazing of livestock, where established prior to January 1, 1975, may be permitted to be continued by the present lessee or permittee subject to limitation by the terms and regulations that are deemed necessary by the state agency with jurisdiction over the wilderness areas.

(5) This chapter does not apply to the aerial stocking of fish or to the conduct of aerial surveys of wildlife species.

(6) A state agency with jurisdiction over a wilderness area may authorize measures that address environmental damage or degradation affecting wilderness character and resources if those measures are consistent with the minimum management requirements and only the minimum tools are used.

(7) Guidelines for the determination of the minimum management requirements and the minimum tool shall be adopted by regulation.

SEC. 4. Item 3790-101-6029 is added to Section 2.00 of the Budget Act of 2008, to read:

3790-101-6029—For local assistance, Department of Parks and Recreation, payable from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund, for grants to be available for expenditure until June 30, 2011.....		6,626,000
Schedule:		
(1) Railroad Technology Museum Grant—Rehabilitation and facilities plan.....		
	11,626,000	
(2) Reimbursement: Railroad Technology Museum—Rehabilitation and facilities plan.....		
	–5,000,000	
Provisions:		
1. The funds appropriated in Schedules (1) and (2) may be granted by the Department of Parks and Recreation to the California State Railroad Museum Foundation for the boiler shop core, shell, and site rehabilitation and development. The grant agreement shall include provisions that require the grantee to conduct due diligence appropriate for this transaction, as determined in consultation with the Department of Finance.		
2. Upon completion of the boiler shop core, shell, and site rehabilitation and development, the California State Railroad Museum Foundation shall make the facility available, at no cost, for use by the Department of Parks and Recreation as a part of the California State Railroad Museum.		

3. Ten years after the completion of the boiler shop core, shell, and site rehabilitation and development, the California State Railroad Museum Foundation shall transfer the title to the site and facility, at no cost, to the State of California, Department of Parks and Recreation, subject to approvals from the State Public Works Board and the Director of Finance.

SEC. 5. Item 3790-491 of Section 2.00 of the Budget Act of 2008 is amended to read:

3790-491—Reappropriation, Department of Parks and Recreation. The balances of the appropriations provided in the following citations are reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for in the appropriations:

0005—Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund

(.5) Item 3790-301-0005, Budget Act of 2002 (Ch. 379, Stats. 2002), as reappropriated by Item 3790-490, Budget Act of 2003 (Ch. 157, Stats. 2003), and Item 3790-491, Budget Acts of 2005 (Chs. 38 and 39, Stats. 2005) and 2006 (Chs. 47 and 48, Stats. 2006)

(5.5) 90.86.100-Rancho San Andreas: Castro Adobe—Preliminary plans, working drawings, and construction

(20) 90.H9.101-Cardiff SB: Rebuild South Cardiff Facilities—Construction

(1) Item 3790-301-0005, Budget Act of 2004 (Ch. 208, Stats. 2004), as reappropriated by Item 3790-491, Budget Act of 2005 (Chs. 38 and 39, Stats. 2005)

(1) 90.GI.101-Crystal Cove State Park: El Morro Mobilehome Park Conversion—Construction

(2) Item 3790-301-0005, Budget Act of 2005 (Chs. 38 and 39, Stats. 2005), as partially reappropriated by Item 3790-491, Budget Act of 2006 (Chs. 47 and 48, Stats. 2006)

(3) 90.I6.101-San Elijo SB: Replace Main Lifeguard Tower—Preliminary plans and working drawings

(9) 90.86.100-Rancho San Andreas: Castro Adobe—Construction

(3) Item 3790-301-0005, Budget Act of 2006 (Chs. 47 and 48, Stats. 2006), as reappropriated by Item 3790-491, Budget Act of 2007 (Chs. 171 and 172, Stats. 2007)

(3) 90.I6.101-San Elijo SB: Replace Main Lifeguard Tower—Construction and equipment

- (6) 90.8J.101-Columbia SHP: Drainage Improvements—Working drawings and construction
- (4) Item 3790-301-0005, Budget Act of 2007 (Chs. 171 and 172, Stats. 2007)
  - (2) 90.RS.205-Statewide: State Park System—Minor projects
- 0262—Habitat Conservation Fund
  - (1) Item 3790-301-0262, Budget Act of 2005 (Chs. 38 and 39, Stats. 2005)
    - (1) 90.RS.406-Habitat Conservation: Proposed Additions—Acquisition
- 0263—Off-Highway Vehicle Trust Fund
  - (1) Item 3790-301-0263, Budget Act of 2005 (Chs. 38 and 39, Stats. 2005)
    - (1) 90.RS.405-Statewide: OHV Opportunity Purchase/Budget Package/Schematic Planning—Acquisition and study
- 0890—Federal Trust Fund
  - (1) Item 3790-301-0890, Budget Act of 2007 (Chs. 171 and 172, Stats. 2007)
    - (.5) 90.I6.101-San Elijo State Beach: Replace Main Lifeguard Tower—Construction
    - (1) 90.RS.801-Federal Trust Fund Program—Acquisition, preliminary plans, working drawings, and construction
- 6029—California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund
  - (1) Chapter 1126, Statutes of 2002, as reappropriated by Item 3790-491, Budget Act of 2005 (Chs. 38 and 39, Stats. 2005), as reappropriated by Item 3790-491, Budget Acts of 2006 (Chs. 47 and 48, Stats. 2006) and 2007 (Chs. 171 and 172, Stats. 2007)
    - (2) 90.8L.101-California Indian Museum: Preliminary plans, working drawings, and construction
  - (1.5) Item 3790-301-6029, Budget Act of 2002 (Ch. 379, Stats. 2002), as reappropriated by Item 3790-491, Budget Act of 2005 (Chs. 38 and 39, Stats. 2005)
    - (1) 90.FJ.103-Will Rogers SHP: Restoration Historic Landscape—Construction
    - (6) 90.RS.224-Statewide: Acquisition-Proposition 40—Acquisition
  - (1.8) Item 3790-301-6029, Budget Act of 2003 (Ch. 157, Stats. 2003), as reappropriated by Item 3790-491, Budget Act of 2005 (Chs. 38 and 39, Stats. 2005), Item 3790-493, Budget Act of 2006 (Chs. 47 and 48, Stats. 2006), and Item 3790-491, Budget Act of 2007 (Chs. 171 and 172, Stats. 2007)

- (1) 90.AC.101-Railroad Technology Museum: Rehabilitation and Facilities Plan—Study and preliminary plans
  - (2) Item 3790-301-6029, Budget Act of 2004 (Ch. 208, Stats. 2004), as partially reappropriated by Item 3790-491, Budget Act of 2005 (Chs. 38 and 39, Stats. 2005), Budget Act of 2006 (Chs. 47 and 48, Stats. 2006), and Budget Act of 2007 (Chs. 171 and 172, Stats. 2007)
    - (2.2) 90.E4.104-Chino Hills SP: Entrance Road and Facilities—Working drawings
    - (5.1) 90.8D.102-Donner Memorial SP: New Visitor Center—Working drawings, construction, and equipment
    - (5.4) 90.42.101-MacKerricher State Park: Rehabilitate Historic Pudding Creek Trestle— Construction
    - (5.7) Reimbursement-Donner Memorial SP: Visitor Center
  - (3) Item 3790-301-6029, Budget Act of 2005 (Chs. 38 and 39, Stats. 2005)
    - (3) 90.E4.104-Chino Hills State Park: Entrance Road and Facilities—Construction and equipment
    - (5) 90.RS.412-Statewide: State Park System Opportunity and Inholding Acquisitions—Acquisition
  - (4) Item 3790-301-6029, Budget Act of 2006 (Chs. 47 and 48, Stats. 2006), as reappropriated by Item 3790-491, Budget Act of 2007 (Chs. 171 and 172, Stats. 2007)
    - (3.5) 90.8D.102-Donner Memorial SP: New Visitor Center—Working drawings and construction
    - (3.8) Reimbursement—Donner Memorial SP: New Visitor Center
  - (5) Item 3790-301-6029, Budget Act of 2007 (Chs. 171 and 172, Stats. 2007)
    - (1) 90.RS.810-Capital Outlay Projects— Acquisition, preliminary plans, working drawings, capital outlay, and minor projects
    - (3) Reimbursements: Capital Outlay Projects
  - (6) Item 3790-301-6029, Budget Act of 2006 (Chs. 47 and 48, Stats. 2006), as reappropriated by Item 3790-491, Budget Act of 2007 (Chs. 171 and 172, Stats. 2007)
    - (3) 90.2U.102-Jedediah Smith Redwoods State Park: Aubell Maintenance Facility—Construction
- 6051—Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006

- (1) Item 3790-301-6051, Budget Act of 2007 (Chs. 171 and 172, Stats. 2007)
- (3.5) 90.KZ.104-Los Angeles SHP: Planning and Phase I Build-Out—preliminary plans
- (5) 90.8I.101-Calaveras Big Trees State Park: New Visitor Center—Working drawings, construction, and equipment
- (6) Reimbursements: Calaveras Big Trees State Park: New Visitor Center

SEC. 6. Item 3790-495 of Section 2.00 of the Budget Act of 2008 is amended to read:

3790-495—Reversion, Department of Parks and Recreation. As of June 30, 2008, the unencumbered balances of the appropriations provided in the following citations shall revert to the fund from which the appropriations were made:  
0005—Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund

- (1) Item 3790-301-0005, Budget Act of 2000 (Ch. 52, Stats. 2000), as reappropriated by Item 3790-490, Budget Act of 2003 (Ch. 157, Stats. 2003), as reappropriated by Item 3790-491, Budget Act of 2006 (Chs. 47 and 48, Stats. 2006)
- (16) 90.KV.100-Los Angeles River Parkway Project: Acquisition and Development—Acquisition
- (2) Item 3790-301-0005, Budget Act of 2003 (Ch. 157, Stats. 2003), as reappropriated by Item 3790-491, Budget Act of 2006 (Chs. 47 and 48, Stats. 2006)
- (14) 90.5N.101-Mount Diablo State Park: Road System Improvements—Construction

0263—Off-Highway Vehicle Fund

- (1) Item 3790-301-0263, Budget Act of 2004 (Ch. 208, Stats. 2004), as reappropriated by Item 3790-491, Budget Act of 2006 (Chs. 47 and 48, Stats. 2006)
- (1) 90.A7.102-Prairie City SVRA: Improvement Project—Working Drawings and construction

6029—California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund

- (1) Item 3790-301-6029, Budget Act of 2004 (Ch. 208, Stats. 2004), as reappropriated by Item 3790-491, Budget Act of 2005 (Chs. 38 and 39, Stats. 2005)
- (0.5) 90.AC.101-Railroad Technology Museum: Rehabilitation and Facilities Plan—Working drawings and construction



- (5.3) 90.8X.101-Plumas-Eureka State Park: Stamp Mill Preservation—Study and partial construction
- (5.5) Reimbursement-Railroad Technology Museum: Rehabilitation and Facilities Plan

SEC. 7. (a) The Legislature finds and declares all of the following:

(1) Pursuant to Item 3790-103-0005 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000), grant moneys (per capita) were appropriated for local assistance to the Department of Parks and Recreation, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund.

(2) Pursuant to subdivision (d) of Section 5096.341 of the Public Resources Code, a recipient of grant funds described in paragraph (1) must complete all funded projects within eight years of the effective date of the appropriation.

(3) For the following projects funded by grants pursuant to Item 3790-103-0005 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000), moneys were encumbered, projects were timely completed, and documentation for payments was submitted to the Department of Parks and Recreation prior to June 30, 2008:

(A) The City of Fullerton, rehabilitation of Adlena and Byerrum Parks.

(B) The City of Laguna Hills, project for Beckenham Park (CIP No. 229).

(C) The City of Newport Beach, project for the Newport Theater Arts Center.

(D) The Southgate Recreation Park District, Sky Park irrigation system upgrade.

(E) The City of Brisbane, project for the Crocker Park Trail.

(b) The following amounts are appropriated from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund to the Department of Parks and Recreation to make the following payments:

(A) One million eight hundred ninety-three dollars (\$1,000,893) to the City of Fullerton.

(B) Two hundred eighty-one thousand dollars (\$281,000) to the City of Laguna Hills.

(C) Eight thousand seven hundred thirty-nine dollars (\$8,739) to the City of Newport Beach.

(D) Seventeen thousand eighty-nine dollars (\$17,089) to the Southgate Recreation Park District.

(E) Four thousand one hundred forty-one dollars (\$4,141) to the City of Brisbane.

SEC. 8. Sections 4 to 6, inclusive, of this act shall become operative only if the Budget Act of 2008, Assembly Bill 1781, as proposed by

Conference Report No. 1 on July 17, 2008, is enacted and becomes effective on or before January 1, 2009.

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